

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

| TITLE OF CASE | | ATTORNEYS | | | |
|---|--------------|---|---------------------|-------|-------|
| <p>Home-Stake Production Company, a corporation,</p> <p>vs</p> <p>Charles N. Glass, Donald R. Kee and National Bank of Tulsa, a National Banking Institution,</p> | | <p>For plaintiff:</p> <p>Thomas A. Landrith, Jr., 587-6677 Suite 203 - Thurston National Building, 6 East Fifth Street, Tulsa, Oklahoma, 74103</p> <p>Frederic Dorwart and C. D. McDoulett, Jr. 2700 4th Natl. Bank Bldg. Tulsa 74119 (584-1472)</p> <p>of counsel: Holliman, Langholz, Runnels & Dorward</p> | | | |
| | | <p>For defendant: <i>Tulsa 582-5281</i></p> <p>Martin, Logan, Moyers, Martin & Conway, 920 National Bank of Tulsa Bldg., Tulsa, Oklahoma, 74103</p> <p><i>(David Holland)</i> Rogers, Bell & Robinson Box 3209 Tulsa, Okla. 74101</p> | | | |
| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
| J.S. 5 mailed <i>6-1-70</i> | Clerk | 5-28-70 | Martin, et al | 15 00 | |
| | | 6-4-70 | C/D 52 | | 15 00 |
| J.S. 6 mailed <i>4-1-74</i> | Marshal | | | | |
| Basis of Action: | Docket fee | | | | |
| Recovery of funds held in escrow. | Witness fees | | | | |
| Action arose at: | Depositions | | | | |
| Tulsa | | | | | |

| 1970 DATE | PROCEEDINGS | Date Order or Judgment Noted |
|--------------|---|---------------------------------|
| 5-28-70 | Petition for Removal from District Court for the Tulsa County, Oklahoma, filed. e | |
| 5-28-70 | Bond on Removal, amount \$500.00, Continental Casualty Company, surety, filed. e | |
| 5-28-70 | Notice of Removal, filed. e | |
| 6-5-70 | Application and Order, for extension of time, granted 15 days from June 2, 1970. Filed. v | |
| 6-17-70 | Certificate as to record, filed. m | |
| 6-17-70 | Answer of defts. Charles N. Glass and Donald R. Kee, filed. m <i>(In separate folder)</i> | |
| 6-18-70 | Interrogatory of defts. Glass and Kee to plaintiff, filed. m | |
| 6-23-70 | Separate answer of defendant, National Bank of Tulsa, a National Banking Institution, filed. b | |
| 7-7-70 | Answer to interrogatory of defts. Glass and Kee, filed. m | |
| 7-8-70 | Judgment on Tracts No. 518M-1 and 518M-2, filed & entered. (LB-J)v | |
| 7-17-70 | Supplemental Answer to Interrogatory of defendants Glass and Kee filed. h | |
| 7-20-70 | Application of pltf. for leave to amend petition (complaint), filed. m | |
| 8-19-70 | Order allowing plaintiff to amend complaint filed. (AEB-J)h | |
| 8-21-70 | Parties to hold pre-trial prior to 9-21-70, and file pre-trial order no later than 9-28-70. (AEB-J)v | |
| 8-24-70 | First amended complaint, filed. m | |
| 9-15-70 | Answer of defendants Charles N. Glass and Donald R. Kee to plaintiff's first amended complaint, filed. (Leave granted to file out of time) (JHP-Clerk - JS) b | |
| 9-25-70 | Application for additional time in which to file pre-trial order, filed. m | |
| 9-25-70 | Order extending time in which to file pre-trial order to 10-21-70, filed. (AEB-J)m (copies mailed) | |
| 10-22-70 | Application of Charles N. Glass and Donald R. Kee for additional time in which to file pre-trial order, filed. b | |
| 10-22-70 | Second supplement to answer to interrogatory of defendants Glass & Kee, filed. ds | |
| 10-22-70 | Order extending time in which to file pre-trial order to 11-21-70, filed. (AEB-J)m (copies mailed) | |
| 10-23-70 | Plaintiff's proposed pre-trial order, filed. b | |
| 10-29-70 | Second Interrogatories to Plaintiff, filed. v | |
| 11-17-70 | Answers to second interrogatories to plaintiff, filed. ds | |
| 12-8-70 | Plaintiff's motion for pre-trial hearing, filed. ds | |
| 12-8-70 | Ordered by the Court that defendant reply to plaintiff's motion for pre-trial hearing with a concise brief within ten days of this date. (AEB-J) ds | |
| 12-9-70 | Brief in support of motion for Pre-trial hearing, filed. ds | |
| 12-21-70 | Brief of Charles N. Glass and Donald R. Kee in response to Plaintiff's brief in support of motion for Pre-trial hearing filed. h | |
| 1-8-71 | Deposition of David C. Davies, filed. (Fee: \$16.00 pd by defts. Glass & Kee)m | |
| 1-14-71 | Order denying pltf's motion for pre-trial hearing, filed. Parties to file an agreed pre-trial order within 20 days. (AEB-J)m (copies mailed) | |
| 2-3-71 | Notice to take depositions of defts. Glass and Kee, filed. m | |
| 2-3-71 | Application of defts. Glass and Kee for additional time in which to file pre-trial order, filed. m | |
| 2-4-71 | Request to produce of defts. Glass and Kee, filed. m | |
| 2-5-71 | Order Extending time to March 1, 1971 in which to file pre-trial order, filed. (AEB-J) | |

(OVER)

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|--|------------------------------|
| 2-26-71 | Deft's Application for additional time in which to file pre-trial Order. Filed. r | |
| 3-4-71 | Order extending time to file pre-trial order, to 4-1-71, filed. (AEB-J) ds copies mailed | |
| 3-10-71 | Deposition of Harold M. Geller and E. M. Kunkel, on behalf of defendants, taken by Thomas G. Bloxom on 2-18-71, filed. \$110.00 pd by defendants. ds | |
| 3-23-71 | Application of pltf. for leave to file second amended complaint, filed. m | |
| 4-2-71 | Order Allowing Plaintiff to Amend Complaint(10 days from this day) (AEB-J) js | |
| 4-9-71 | Second amended complaint, filed. m | |
| 4-15-71 | Defendant's Application for additional time in which to file a pre-trial Order, filed. r | |
| 4-15-71 | Order extending time in which to file pre-trial order, until June 1, 1971, filed. (AEB-J)r <i>depts. granted to attys</i> | |
| 4-23-71 | Defendants Notice to take Depositions of Home-Stake Production Co. Filed. r | |
| 4-29-71 | Defendants Application for Additional time in which to plead or answer, filed. r | |
| 4-30-71 | Order extending time for defendants, Charles N. Glass and Donald R. Kee to plead or answer, to 5-10-71, filed. ds copies mailed. | |
| 5-28-71 | Answer of defendants Charles N. Glass and Donald R. Kee to plaintiff's second amended complaint, filed. Permission granted to file out of time. (AEB-J) ds | |
| 6-2-71 | Deposition of Herbert R. Smith on behalf of the def. Glass and Kee taken before James C. Hickerson filed. (\$39.00 paid by def.)h | |
| 6-2-71 | Application for additional time in which to file a pre-trial order, filed by Deft's. Filed. r | |
| 6-4-71 | Order extending time in which to file pre-trial order to 6-8-71, filed. (AEB-J)m (copies mailed) | |
| 6-9-71 | Application for additional time in which to file a pre-trial order of defts. Glass & Kee, filed. m | |
| 6-11-71 | Order extending time in which to file pre-trial order to and including 6-18-71, filed. (AEB-J) ds <i>copies to attys</i> | |
| 6-18-71 | Application of defts. Glass & Kee for additional time in which to file a pre-trial order, filed. m | |
| 6-23-71 | Order extending time in which to file pre-trial order to 7-2-71, filed. (AEB-J)m (copies mailed) <i>para sent to court</i> | |
| 7-2-71 | Application of Glass and Kee for additional time to file pre-trial order, filed. g | |
| 7-2-71 | Order extending time to file pre-trial order to 7-20-71, filed. (Poe-Clk)g | |
| 7-22-71 | Application for additional time in which to file a pre-trial order, done by the defendants, filed. v <i>to 8-6-71</i> | |
| 7-22-71 | Order extending time in which to file pre-trial order, filed. (JHP-CC)V | |
| 8-11-71 | Application for additional time in which to file a Pre-Trial Order, filed by the Deft. Filed. r | |
| 8-11-71 | Order extending time for the Deft., in which to file Pre-Trial Order. (JHP-Clerk) r <i>Mailed copy to atty</i> | |
| 8-24-71 | Pretrial Order filed. (AEB-J)h | |
| 10-22-71 | Case set for non-jury trial November 1, 1971, at 10:00 a.m. (AEB-J)v | |
| 10-28-71 | It is ordered that case is stricken at request of defendant. (AEB-J)h (N/J docke | |
| 11-2-71 | Deposition of David C. Davies on behalf of defts., filed. (\$35.00)g | |

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| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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| 11-17-71 | Case set for Non-Jury trial Monday 12-6-71 at 10:00 am. (AEB-J)h | |
| 11-23-71 | Request of Defendants, Charles N. Glass and Donald R. Kee, to Produce, filed. v | |
| 11-30-71 | Plaintiff's objection to defendants' request to produce documents, filed. ds | |
| 11-30-71 | Plaintiff's brief in support of objection to defendants' request to produce documents, filed. ds | |
| 12-6-71 | It is ordered that case stricken from docket of 12-6-71. (AEB-J)h | |
| 12-7-71 | Motion of defts. Charles N. Glass and Donald R. Kee for order for production, filed. m | |
| 12-7-71 | Brief in support of defts.' motion for order for production, filed. m | |
| 12-7-71 | Ordered by the Court that parties file responsive brief to above motion within 10 days. (AEB-J)m | |
| 12-15-71 | Responsive brief of plaintiff to motion of defendants Glass and Kee for order for production, filed. ds | |
| 12-29-71 | Notice to take depositions of the Pltf., by one or more officers, directors, etc., on 9:30 A.M. on the 4th of Jan., 1972, in Tulsa, Okla., filed. v | |
| 1-3-72 | Motion of Pltf. for Court order That Discovery Not be had, filed. rm | |
| 1-3-72 | Brief in support of Motion of Pltf. for Court Order that Discovery Not be Had, filed. rm | |
| 1-3-72 | Ordered by the Court that defts. file responsive brief within 10 days to Pltf.'s Motion for Court Order that Discovery not be had. (AEB-J) | (J. Santee orally notified by mail 1-13-72) rm not notified |
| 1-13-72 | Answer brief of defendants Kee and Glass in opposition to Plaintiffs Motion for Order that discovery not be had filed. h | |
| 2-15-72 | Ordered that Magistrate conduct hearing on pltf's objection to defts' request to produce documents, pltf's motion for court order that discovery not be had, deft. Charles N. Glass' & Donald R. Kee's request to produce & motion of defts. Glass & Kee for order for production. (AEB-J)hm | |
| 2-15-72 | Hearing held on above motions. Pltf's objection to defts' request to produce documents sustained; pltf's motion for court order that discovery not be had denied; defts' motion to produce & for order of production granted on statement of pltf. counsel that question of damages has been fully covered by prior depositions & that pltf. does not know of any person who could further testify or enlarge on question of damages at trial. Counsel for deft will rely on depositions heretofore taken. Pltf. counsel to prepare recommendation & order within 5 days. (MLB-Mag)hm | |
| 2-16-72 | Defts' Charles N. Glass & Donald R. Kees' Motion for Partial Summary Judgment; Affidavit of Charles N. Glass; and Affidavit of Jack H. Santee, filed. r | |
| 2-16-72 | Brief in support of Defts Motion for Partial Summary Judgment, filed. r | |
| 2-16-72 | MINUTE ORDER: Ordered that Pltfs respond to the Defts' Motion for Partial Summary Judgment, within 10 days from this date. (AEB-J)r | |
| 2-24-72 | Deposition of Dr. Marco Lovera, Dr. Francisco Figueroa, M. J. Becks, Alexander Nassiff, Josea Farinas and Donald Bechter, taken in Caracas, Venezuela, filed. g | |
| 2-28-72 | Plaintiff's motion for summary judgment, filed. ds | |
| 2-28-72 | Motion of plaintiff for extension of time in which to file brief on motion for summary judgment, filed. ds | Matt's briefs filed 3-9-72 gll |
| 3-6-72 | Plaintiff's brief in answer to defendants brief in support of motion for partial summary judgment and plaintiff's motion for summary judgment filed. ds | |

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D. C. 110A Rev. Civil Docket Continuation

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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| 3-9-72 | Plaintiff' supplemental brief in answer to defendants' brief in support of motion for partial summary judgment and plaintiff's motion for summary judgment, filed. ds | |
| 3-21-72 | Application of Deft.s for Extension of time in which to file brief on motion for summary Judgment, filed. v -order to Judge. | |
| 3-23-72 | Order extending time for deft.s to file reply brief to and including the 5th day of April, 1972, filed. (AEB-J)v <i>copies mailed</i> | |
| 4-5-72 | Appl. of Defts for Ext of time in which to file brief on Motion for S/J, filed. r | |
| 4-7-72 | Order extending time for defts. to file reply brief to 4-12-72, filed. (AEB-J)hm (copies mailed) <i>(Glass & Kee)</i> | |
| 4-12-72 | Deft.s' Answer Brief to Plaintiff's Brief in support of Motion for Summary Judgment, filed. v | |
| 4-19-72 | Transcript of hearing 2-15-72, filed. hm | |
| 4-19-72 | Ordered that Magistrate conduct hearing on pltf's motion for S/J and motion of defts. Glass and Kee for partial S/J. (AEB-J)hm | |
| 4-19-72 | Case called for hearing on above motions. Pltf. given 10 days to file brief in answer to deft's brief. Hearing on motions passed to 5-17-72 at 9:30 a.m. (MLB-Mag)hm | |
| 5-8-72 | Pltf.'s reply brief to motions for SJ, filed. rm | |
| 5-10-72 | Findings and recommendations of magistrate on motion of plaintiff for court order that discovery not be had and on defendant's motion for order of production, filed. (MLB-Mag) ds <i>copies mailed</i> | |
| 5-17-72 | Hearing on motions for S/J passed, to be reset at later date. (MLB-Mag)hm | |
| 6-6-72 | Order, filed, that request of defts. Glass & Kee to produce is sustained; pltf's objection to defts' request to produce is overruled; motion of defts. Glass & Kee for order for production is sustained; pltf's motion for court order that discovery not be had is sustained. (AEB-J)hm (copies mailed) | |
| 8-23-72 | Plaintiff's 2nd supplemental brief in answer to defendants' brief in support of motion for partial summary judgment and plaintiff's motion for summary judgment, filed. ds | |
| 8-23-72 | Hearing held Aug. 23,24&25 on pltf's motion for S/J and motion of defts. Glass & Kee for partial S/J. The first request of defts. Glass & Kee concerning claim of Dr. Alvarez was passed so pltf. counsel could acquire addit. info. for Mag; as to request #2, defts' mo. for S/J was sustained; as to request #3, defts' motion was sustained; on claim for breach of warranty, motion is sustained; Pltf's motion for S/J overruled in part/ sustained in part. Deft. to prepare findings and recommendations. (MLB-Mag)hm | |
| 10-3-72 | Obj. of def. Glass & Kee to introduction of evidence, w/brief in support thereof, filed. rm | |
| 10-3-72 | ordered that pltf. is granted 10 days in which to respond to defs.' obj. to introduction of evidence. (AEB-J)rm - ltr. written | |
| 10-12-72 | Plaintiff's answer brief to defendants' brief in support of objection to the introduction of evidence, filed. ds | |
| 10-12-72 | Affidavit of H. R. Smith pertaining to termination pay settlement with Dr. Jorge E. Alvarez, filed. ds -over- | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|----------|--|------------------------------|
| 10-26-72 | Transcript of Proceedings regarding Motion of Deft.s Glass & Kee for Partial Summary Judgment, had on August 23, 24, 25, 1972, before the Honorable Morris L. Bradford, Magistrate, filed. Millie Ballard, CSR.v | |
| 11-9-72 | It is recommended by the Magistrate that pltf's motion for S/J be overruled & that def't's motion for S/J be overruled. Mr. Santee to prepare F&R within 5 days. (MLB-Mag)hm | |
| 11-24-72 | Findings and Recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed) | |
| 11-30-72 | Objections of Pltff. to F&R of Magistrate, filed. (with brief)hm | |
| 11-30-72 | Ordered that def't. file responsive brief within 10 days to objections to F&R of Magistrate. (AEB-J)hm | |
| 12-13-72 | Answer brief of def't.s Kee and Glass to Pltff.s Brief in support of objections to findings and recommendations of Magistrate, filed. v | |
| 1-16-73 | Ordered by the Court that Magistrate conduct hearing on objections of defts. Glass and Kee to introduction of evidence. (AEB-J)hm | |
| 1-16-73 | Hearing held on objections of defts. Glass and Kee to introduction of evidence. It is recommended that objections be overruled, since by agreement of parties pltfs. had prior to this date complied with objections of Glass and Kee as to the South American statements submitted and filed. Order to be prepared by Magistrate. (MLB-Mag)hm | |
| 1-23-73 | Order filed that objection of def. Glass and Kee to introduction, etc. be stricken for reason that same became moot.(AEB-J)h | |
| 9-7-73 | Motion of Thomas A. Landrith to withdraw as atty. for Home-Stake Production Co., filed. g <i>etc.</i> | |
| 9-10-73 | Order permitting Thomas A. Landrith, Jr. to withdraw as atty for Home-Stake Production Co., filed. (AEB-J)g cpies mailed | |
| 9-14-73 | Appearance of counsel for pltf., filed. rm | |
| 10-10-73 | Order, filed, disqualifying Judge Barrow from this case at his order. <i>copies mailed</i> (AEB-J) | |
| 3-12-74 | <i>Order to disqualify Judge Barrow from this case at his order.</i> Stipulation of Facts, filed.jj | |
| 3-12-74 | Journal Entry of Judgment filed and entered.jj | |
| 3-21-74 | Release and satisfaction of judgment, filed. ds | |